

07/11/01

07-12-01

A. J. C.

PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 36.US3.DIV  
First Inventor DUMAS MILNE EDWARDS  
Title COMPLEMENTARY DNAs  
Express Mail Label No. EL821903714US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 180]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 14]
- ☐ Oath or Declaration [Total Pages 2]
  - ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - ☒ (for continuation/divisional with Box 18 completed)
  - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☒ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☒ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
- ☒ Other: Estab. of Rt of Assignee & POA from parent appl

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 247,155  
Prior application information: Examiner J. Bruce Group Art Unit. 1531

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 000027206 or ☒ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

|         |                            |           |              |          |              |
|---------|----------------------------|-----------|--------------|----------|--------------|
| Name    | John Lucas, Ph.D., J.D.    |           |              |          |              |
|         | GENSET CORPORATION         |           |              |          |              |
| Address | 10665 Sorrento Valley Road |           |              |          |              |
| City    | San Diego                  | State     | CA           | Zip Code | 92121-1609   |
| Country | U.S.A.                     | Telephone | 858/597-2600 | Fax      | 858/597-2601 |

|                   |                         |                                   |                 |
|-------------------|-------------------------|-----------------------------------|-----------------|
| Name (Print/Type) | John Lucas, Ph.D., J.D. | Registration No. (Attorney/Agent) | 43,373          |
| Signature         | [Signature]             |                                   | Date 11 July 01 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

|                      |                                   |
|----------------------|-----------------------------------|
| Application Number   |                                   |
| Filing Date          |                                   |
| First Named Inventor | Jean-Baptiste DUMAS MILNE EDWARDS |
| Examiner Name        | Unassigned                        |
| Group Art Unit       | 1631                              |
| Attorney Docket No.  | 36.US3.DIV                        |

TOTAL AMOUNT OF PAYMENT (\$ ) 1,318.00

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1181

Deposit Account Name: GENSET CORPORATION

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 710                    | 201 355                    | Utility filing fee     | 710      |
| 106 320                    | 206 160                    | Design filing fee      |          |
| 107 490                    | 207 245                    | Plant filing fee       |          |
| 108 710                    | 208 355                    | Reissue filing fee     |          |
| 114 150                    | 214 75                     | Provisional filing fee |          |

SUBTOTAL (1) (\$ ) 710.00

### 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 21                 | -20** = 1    | 18             | 18       |
| 7                  | -3** = 4     | 80             | 320      |
| Multiple Dependent |              | 270            | 270      |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103 18                     | 203 9                      | Claims in excess of 20                                     |
| 102 80                     | 202 40                     | Independent claims in excess of 3                          |
| 104 270                    | 204 135                    | Multiple dependent claim, if not paid                      |
| 109 80                     | 209 40                     | ** Reissue independent claims over original patent         |
| 110 18                     | 210 9                      | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 608.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 130                    | 205 65                     | Surcharge - late filing fee or oath  |          |
| 127 50                     | 227 25                     | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130                    | 139 130                    | Non-English specification  |          |
| 147 2,520                  | 147 2,520                  | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112 920*                   | 112 920*                   | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*                 | 113 1,840*                 | Requesting publication of SIR after Examiner action                        |          |
| 115 110                    | 215 55                     | Extension for reply within first month                                     |          |
| 116 390                    | 216 195                    | Extension for reply within second month                                    |          |
| 117 890                    | 217 445                    | Extension for reply within third month                                     |          |
| 118 1,390                  | 218 695                    | Extension for reply within fourth month                                    |          |
| 128 1,890                  | 228 945                    | Extension for reply within fifth month                                     |          |
| 119 310                    | 219 155                    | Notice of Appeal   |          |
| 120 310                    | 220 155                    | Filing a brief in support of an appeal                                     |          |
| 121 270                    | 221 135                    | Request for oral hearing   |          |
| 138 1,510                  | 138 1,510                  | Petition to institute a public use proceeding                              |          |
| 140 110                    | 240 55                     | Petition to revive - unavoidable   |          |
| 141 1,240                  | 241 620                    | Petition to revive - unintentional   |          |
| 142 1,240                  | 242 620                    | Utility issue fee (or reissue)   |          |
| 143 440                    | 243 220                    | Design issue fee   |          |
| 144 600                    | 244 300                    | Plant issue fee  |          |
| 122 130                    | 122 130                    | Petitions to the Commissioner  |          |
| 123 50                     | 123 50                     | Processing fee under 37 CFR 1.17(q)  |          |
| 126 180                    | 126 180                    | Submission of Information Disclosure Stmt                                  |          |
| 581 40                     | 581 40                     | Recording each patent assignment per property (times number of properties) |          |
| 146 710                    | 246 355                    | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149 710                    | 249 355                    | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179 710                    | 279 355                    | Request for Continued Examination (RCE)                                    |          |
| 169 900                    | 169 900                    | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## SUBMITTED BY

|                   |                         |                                   |            |           |              |
|-------------------|-------------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | John Lucas, Ph.D., J.D. | Registration No. (Attorney/Agent) | 43,373     | Telephone | 858/597-2600 |
| Signature         | <i>John Lucas</i>       | Date                              | 11 July 01 |           |              |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

# PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

36.US3.DIV

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

| FOR   | NUMBER FILED    | NUMBER EXTRA |
|---|-----------------|--------------|
| BASIC FEE<br>(37 CFR 1.16(a))                     |                 |              |
| TOTAL CLAIMS<br>(37 CFR 1.16(c))                  | 21 minus 20 = * | 1            |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(b))            | 7 minus 3 = *   | 4            |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d)) |                 |              |

\* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

| RATE     | FEE    |    | RATE      | FEE    |
|----------|--------|----|-----------|--------|
|          | \$ 355 | OR |           | \$ 710 |
| x \$ 9 = |        | OR | x \$ 18 = | 18     |
| x 40 =   |        | OR | x 80 =    | 320    |
| + 135 =  |        | OR | + 270 =   | 270    |
| TOTAL    |        | OR | TOTAL     | 1,318  |

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

| AMENDMENT A | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT                       | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE       | ADDI-<br>TIONAL<br>FEE |    | RATE        | ADDI-<br>TIONAL<br>FEE |
|-------------|---|---|------------------|------------|------------------------|----|-------------|------------------------|
|             | Total<br>(37 CFR 1.16(c))                                       | Minus                                       | **               | =          | x \$ ____ =            | OR | x \$ ____ = |                        |
|             | Independent<br>(37 CFR 1.16(b))                                 | Minus                                       | ***              | =          | x ____ =               | OR | x ____ =    |                        |
|             | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) |   |                  |            | + ____ =               | OR | + ____ =    |                        |
|             |   |   |                  | TOTAL      |                        | OR | TOTAL       |                        |
|             |   |   |                  | ADDIT. FEE |                        | OR | ADDIT. FEE  |                        |

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

| AMENDMENT B | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT                       | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE       | ADDI-<br>TIONAL<br>FEE |    | RATE        | ADDI-<br>TIONAL<br>FEE |
|-------------|---|---|------------------|------------|------------------------|----|-------------|------------------------|
|             | Total<br>(37 CFR 1.16(c))                                       | Minus                                       | **               | =          | x \$ ____ =            | OR | x \$ ____ = |                        |
|             | Independent<br>(37 CFR 1.16(b))                                 | Minus                                       | ***              | =          | x ____ =               | OR | x ____ =    |                        |
|             | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) |   |                  |            | + ____ =               | OR | + ____ =    |                        |
|             |   |   |                  | TOTAL      |                        | OR | TOTAL       |                        |
|             |   |   |                  | ADDIT. FEE |                        | OR | ADDIT. FEE  |                        |

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

| AMENDMENT C | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT                       | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE       | ADDI-<br>TIONAL<br>FEE |    | RATE        | ADDI-<br>TIONAL<br>FEE |
|-------------|---|---|------------------|------------|------------------------|----|-------------|------------------------|
|             | Total<br>(37 CFR 1.16(c))                                       | Minus                                       | **               | =          | x \$ ____ =            | OR | x \$ ____ = |                        |
|             | Independent<br>(37 CFR 1.16(b))                                 | Minus                                       | ***              | =          | x ____ =               | OR | x ____ =    |                        |
|             | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) |   |                  |            | + ____ =               | OR | + ____ =    |                        |
|             |   |   |                  | TOTAL      |                        | OR | TOTAL       |                        |
|             |   |   |                  | ADDIT. FEE |                        | OR | ADDIT. FEE  |                        |

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

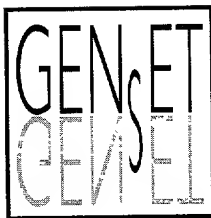
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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FORM 0651-0032



G E N S E T

Direct Dial: (858) 597-2610  
E-Mail: john.lucas@genxy.com

July 10, 2001

**Express Mail Label No. EL821903714US**

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

RE: U.S. Divisional Patent Application  
For: COMPLEMENTARY DNAs  
Inventor(s): Jean-Baptiste Dumas Milne Edwards; Aymeric Duclert,  
Lydie Bougueleret  
Our Ref.: 36.US3.DIV

Dear Sir:

Enclosed please find the above-identified Divisional patent application for filing with the United States Patent and Trademark Office. This application claims priority on Serial No. 09/247,155; filed February 9, 1999. The following documents are transmitted herewith:

|  | <u>Quantity</u> |
|--|-----------------|
| 1) Specification, Claims and Abstract  | 180             |
| 2) Application Data Sheet  | 2               |
| 3) Utility Patent Application Transmittal, Fee Transmittal for FY 2001, Patent Application Fee Determination Record  | 3               |
| 4) Drawings (Figures 1-12)   | 14              |
| 5) Copies of the Combined Declaration and Power of Attorney; the Establishment of Right of Assignee to take action & Revocation and Power of Attorney; and the Power of Attorney filed in the parent application | 5               |
| 6) Statement under 37 CFR 3.73(b)  | 1               |
| 7) Our check in the amount of \$1,318.00 for the filing fee  |                 |
| 8) Copies of the Sequence Listing on CD-ROM  | 2               |
| 9) Sequence Listing Verification Statement   | 1               |
| 10) Return Receipt Postcard  |                 |

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in the processing of these documents to our Deposit Account No. 50-1181.

Very truly yours,

GENSET CORPORATION



John Lucas, Ph.D., J.D.  
Reg. No. 43,373

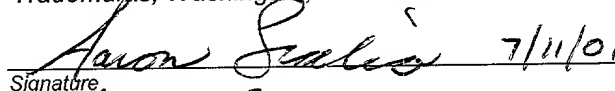
JL/cmm  
Enclosures  
cc: Helene Sarraseca (w/encls.)

**Certificate of Mailing under 37 CFR 1.10**

Express Mail Label No.: EL821903714US

Date of Deposit: July 11, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the Date of Deposit shown above, postage prepaid and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

 7/11/01

Signature

AARON SCALIA  
Typed or Printed Name of Person Signing Certificate

06/06/01 10:06:00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: )  
)  
Inventor(s) : Jean-Baptiste Dumas Milne Edwards ; )  
Aymeric Duclert ; Lydie Bougueleret )  
Serial No. : ) Art Unit : Unassigned  
)  
Filed : **July 11, 2001** ) Examiner : Unassigned  
)  
Title : COMPLEMENTARY DNAs )  
)  
)

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**SEQUENCE SUBMISSION STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Two (2) copies of the Sequence Listing in computer readable form on CD-ROMs as required by 37 C.F.R. § 1.52(e), § 1.77(b)(4), § 1.821(e) and/or § 1.96(c) are submitted herewith.

As required by 37 C.F.R. § 1.821(f), the data on each of the enclosed disks are identical.

Respectfully submitted,

Dated: July 10, 2001

By: Aaron Scalia  
Aaron Scalia  
Genset Corporation  
10665 Sorrento Valley Road  
San Diego, CA 921217  
(858) 597-2600